

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

STATE OF MISSOURI, *et al.*,)
Plaintiffs,)
vs.) Case No. 4:21-cv-01329-MTS
JOSEPH R. BIDEN, JR., *in his official capacity*)
as the President of the United States of America,)
et al.,)
Defendants.)

MEMORANDUM AND ORDER

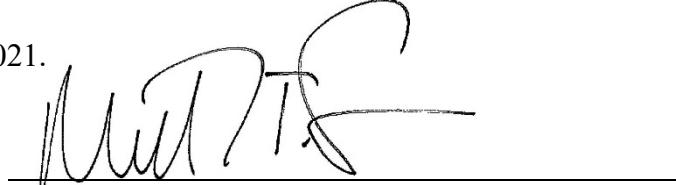
This matter is before the Court on Defendants' Consent Motion to Stay Proceedings here in the District Court during the pendency of Defendants' appeal, Doc. [39]. The Court preliminarily enjoined Defendants in this action from the implementation and enforcement of 86 Fed. Reg. 61,555 (Nov. 5, 2021), the Interim Final Rule with Comment Period entitled "Medicare and Medicaid Programs; Omnibus COVID-19 Health Care Staff Vaccination," against any and all Medicare- and Medicaid-certified providers and suppliers within the States of Alaska, Arkansas, Iowa, Kansas, Missouri, Nebraska, New Hampshire, North Dakota, South Dakota, and Wyoming. Doc. [28]; (2021 WL 5564501). Defendants appealed, Doc. [29], and moved this Court to stay the preliminary injunction pending the appeal, Doc. [30], which this Court denied, Doc. [35] (2021 WL 5631736). The Defendants also asked the United States Court of Appeals for the Eighth Circuit to stay the injunction pending appeal, which the Eighth Circuit also denied, Doc. [38]. The Defendants then applied to the Supreme Court for a stay of the preliminary injunction pending the consideration and disposition of the appeal, which remains pending. *See Biden, et al. v. Missouri, et al.*, No. 21A240 (U.S. application filed Dec. 16, 2021).

The Defendants, with Plaintiffs' consent, now seek to stay the proceedings in this Court while the appeal of the preliminary injunction unfolds. The Court agrees with the parties that the Eighth Circuit's decision on appeal, as well as the Supreme Court's decision on the application for a stay, likely will guide further proceedings in this case. Staying the proceedings here pending the appeal will preserve the resources of the parties and this Court, and, consistent with the parties' positions, the Court sees no potential prejudice or hardship to the parties that would warrant denying a stay of the proceedings. *See Seefeldt v. Ent. Consulting Int'l, LLC*, No. 4:19-cv-00188-MTS, 2020 WL 4922371, at *1 (E.D. Mo. Aug. 21, 2020).

Accordingly,

IT IS HEREBY ORDERED that Defendants' Consent Motion to Stay Proceedings, Doc. [39], is **GRANTED**. Further proceedings in this Court shall be stayed in this case during the pendency of Defendants' appeal of the preliminary injunction order or until otherwise ordered by the Court.

Dated this 22nd day of December, 2021.



MATTHEW T. SCHELP
UNITED STATES DISTRICT JUDGE